

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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COURTNEY RICHMOND,

Case No. 14-cv-3190 (DWF/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

STATE OF MINNESOTA, Office of the  
Governor State Capital; ATTORNEY  
GENERAL OFFICE; HENNEPIN COUNTY  
MEDICAL CENTER; and HENNEPIN  
COUNTY JAIL,

Defendants.

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Plaintiff Courtney Richmond commenced this action by filing a complaint seeking relief for alleged violations of his constitutional and statutory rights. *See* ECF No. 1. He did not pay the required filing fee for this case. Instead, Richmond filed an application seeking leave to proceed *in forma pauperis* (“IFP”). *See* ECF No. 2. In an order dated September 3, 2014, this Court informed Richmond that he would be required to either sign his IFP application or file a supplemental IFP application by October 3, 2014, failing which this Court would recommend that this case be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. *See* ECF No. 3. This Court also noted that Richmond’s complaint failed to state a claim on which relief could be granted, and it ordered that Richmond file an amended complaint by October 3, 2014, again failing which this Court would recommend that this action be dismissed.

The October 3 deadline has now passed. Richmond has not signed his original IFP application or filed a supplemental IFP application, and he has not filed an amended complaint.

Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

#### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT:

1. This action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.
2. Plaintiff Courtney Richmond's application to proceed *in forma pauperis* [ECF No. 2] be DENIED AS MOOT.

Dated: October 6, 2014

s/Leo I. Brisbois

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Leo I. Brisbois

U.S. MAGISTRATE JUDGE

#### NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **October 20, 2014**, a writing that specifically identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections within fourteen days of service thereof. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Eighth Circuit Court of Appeals.